

Attorney Docket No. Le A 32 805

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hagen, et al.

Serial No.: 09/582,246 [National State Filing of PCT/EP98/08216]

Filed: 22 June 2000

For: Regulatory DNA Sequences of the Human Catalytic Telomerase Sub-unit Gene,  
Diagnostic and Therapeutic Use Thereof

**CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: SEP 19 2000

  
Signature of Person Certifying / Beatriz Alviz

**BOX PCT  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**

**COMPLETION OF FILING REQUIREMENTS  
FOR ACCEPTANCE OF INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. 371**

This replies to the Notice of Missing Requirements under 35 U.S.C. section 371 (Form PCT/DO/EO/905) mailed on 6 July 2000. A copy of Form PCT/DO/EO/905 accompanies this response.

**NOTICE OF DEFECTIVE TRANSLATION**

The Notice of Defective Translation indicates that the number of pages in the drawings of the translated copy submitted by Applicants are five and numbered as 5/5, but the number of pages in the drawings of the international application are fifteen and numbered 15/15.

Due to a clerical error, the translated set of drawings originally filed with the request for entry into the national phase were those of the priority application DE 197 57 984.1, filed on 24 December 1997, which had only five figures.

As requested by the DO/US, submitted herewith is the translation of the drawings as originally filed for this international application. Enclosed are 15 sheets of drawings correctly numbered 15/15.

09/22/2000 SSALEEK1 00000030 133372 09582246  
01 FC:116 380.00 CH

**EXTENSION OF TIME**

The proceedings herein are for a patent application. The provisions of 37 C.F.R. section 1.1 36(a) apply. Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. section 1.17(a)(1)-(4), for two months.

Fee \$ 380.00

**TOTAL FEE DUE**

The total fee due with this response is:

Completion fee(s)	\$ 0.00
Extension fee	\$ 380.00

**TOTAL FEE DUE \$ 380.00**

**PAYMENT OF FEES**

Charge Account No. 13-3372 in the amount of \$380.00. A duplicate of this request is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account.

Respectfully submitted,

Date:

Sept. 18, 2000

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FORM PTO-1390  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

LEA 32 805

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/582,246

INTERNATIONAL APPLICATION NO.  
PCT/EP98/08216INTERNATIONAL FILING DATE  
22 December 1998 (22.12.98)PRIORITY DATE CLAIMED  
24 December 1997 (24.12.97)TITLE OF INVENTION REGULATORY DNA SEQUENCES OF THE HUMAN CATALYTIC RELOMERASE SUB-UNIT GENE,  
DIAGNOSTIC AND THERAPEUTIC USE THEREOF

APPLICANT(S) FOR DO/EO/US

HAGEN, Gustav; WICK, Maresa; and ZUBOV, Dmitry

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND or SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - 1) Completion of Filing Requirements in Response to Notice of Defective Translation with Petition and Fee for 2 Months Extension of Time [IN DUPLICATE];
  - 2) Copy of Notification of Missing Requirements under 35 U.S.C. 371;
  - 3) 15 sheets of translated drawings; and
  - 4) Return Receipt Post Card.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8  
The undersigned hereby certifies that this paper and any papers referred to as attached is/are being deposited with the United States Postal Service, with sufficient postage, via first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this 19th day of SEPTEMBER 2000.

*[Signature]*  
Signature of Person Certifying

17. ☐ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5))**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS** PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(c)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	-20 =		X \$18.00
Independent claims	-3 =		X \$78.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable) +\$260.00

**TOTAL OF ABOVE CALCULATIONS =**

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

**TOTAL FEES ENCLOSED =**

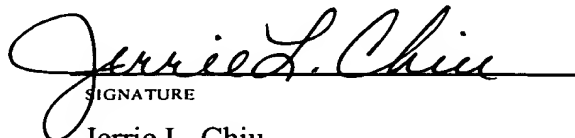
Amount to be: refunded	\$
charged	\$

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. \_\_\_\_\_ A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO

Jeffrey M. Greenman  
Vice President, Patents and Licensing  
BAYER CORPORATION  
400 Morgan Lane  
West Haven, CT 06516  
US

  
SIGNATURE

Jerrie L. Chiu

NAME

41,670

REGISTRATION NUMBER



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.

ATTACHMENT TO FORM PCT/DO/EO/

09/582246

## NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated;
- ☐ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☒ (4) Other.

THE NUMBER OF PAGES IN THE DRAWINGS OF THE TRANSLATED COPY ARE FIVE AND NUMBERED AS 5/5, BUT THE NUMBER OF PAGES IN THE DRAWINGS OF THE INTERNATIONAL APPLICATION ARE FIFTEEN AND NUMBERED AS 15/15.

CHRISTINE WASHINGTON

Telephone: 703-305-3752